IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl.Misc.No.51522-M of 2006

DATE OF DECISION: SEPTEMBER 29, 2006

Omkar

...PETITIONER

VERSUS

State of Haryana ....RESPONDENT

CORAM: HON'BLE MR.JUSTICE SATISH KUMAR MITTAL

Present: Mr. Vinod S.Bhardwaj, Advocate,
for the petitioner.
Mr.M.S.Sindhu, DAG, Haryana.

...

Petitioner Omkar has filed this petition under Section 439 Cr.P.C. for grant of regular bail in case FIR No.72 dated 29.1.2006 registered under Sections 306/34 IPC at Police Station City, Panipat.

I have heard the counsel for the parties and gone through the contents of the FIR as well as the order dated 11.8.2006 passed by the Additional Sessions Judge, Panipat, vide which bail has been declined to the petitioner.

The aforesaid FIR was registered on the statement of Dayanand, father of the deceased, on the allegation that one day before the occurrence, there was some altercation between his son Vijay and his sister-in-law Shashi. After the altercation, Shashi gave a telephonic call to her parents about the said altercation. Thereupon, on the next date, the petitioner (father-in-law of Vijay) along with his sons Rakesh and Joshi came to the house of his son-in-law and started abusing him. It has been further alleged that in the presence of the complainant, Rakesh caught hold Vijay and Joshi sprinkled kerosene oil on him and the petitioner set fire his son-in-law.

Counsel for the petitioner contends that in the aforesaid case, the petitioner has been falsely implicated. The petitioner is 65 years of age. His daughter was married to the deceased. It is highly improbable that the petitioner will set his son-in-law on fire on such minor scuffle. Counsel

submitted that actually the son-in-law of the petitioner had committed the suicide. Counsel further contends that the complainant and his sons were not present at the time of the occurrence and if they had been present, they could have tried to extinguish the fire. There is no such evidence on the record which shows that the complainant and his sons made any effort to save deceased Vijay. Counsel contends that the petitioner and his two sons are in custody since 20.2.2006. He, therefore, prays for grant of regular bail to the petitioner, who is 65 years old.

In view of the aforesaid facts, without expressing any opinion on the merits of the case, I deem it appropriate to grant regular bail to the petitioner and he is accordingly ordered to be released on bail to the satisfaction of the trial Court.

September 29, 2006 (SATISH KUMAR MITTAL)
vkg JUDGE